IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14245 OF 1995

Between

Amrit Apartments Flat Owners Welfare Cooperative Society,

Regd.No.T.A.1390, represented by its Secretary

Mr.D.V.V.P.Varma,

Kapadia Lane, Somajiguda,

Hyderabad

.... PETITIONER

AND

1. A.P.State Electricity Board,

Represented by its Additional Assistant Engineer,

Dist.II/City I, Mint Compound, Hyderabad.

2. Amrit Apartments

Represented by its Builder Sri Kapadia, Kapadia Lane,

Somajiguda, Hyderabad.

(Writ Petition against second respondent was dismissed

for default as per Court order dt.12.7.2000)

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the show cause notice No.35/95, dated 3.7.1995 of the first respondent as illegal, void and inoperative.

Counsel for the Petitioner: G.L.Narasimham

Counsel for Respondent No.1: Ms.Vinobha Devi

The Court made the following:

ORDER:

Amrit Apartments Flat Owners Welfare Cooperative Society, Hyderabad, assails the order of first respondent whereunder petitioner society was asked to produce No Objection Certificate (NOC) from landlord within a week from the date of receipt of the said letter.

The petitioner society is consisting of owners of residential flats constructed by second respondent. The petitioner alleges that second respondent collected considerable amounts and dug three bore wells with three rooms in all the three blocks. According to petitioner, the society alone is maintaining bore wells paying

the current consumption charges. It appears, at the time of energizing the bore wells, electricity was released on condition that petitioner would produce NOC from the landlord. As the same was not produced, by the impugned lettered petitioner society was asked to produce NOC.

It is contended that there is threat of disconnection and if the power connection to bore wells is disconnected, pending the consumer dispute case, being C.D.No.693 of 1994, all the residents would suffer. It is also contended that there is dispute between second respondent and petitioner as to ownership of the bore wells and the three rooms constructed as pump houses. If that be so, nothing prevents the petitioner society to approach first respondent. Further, when A.P. Apartments (Promotion of Construction and Ownership) Act, 1987 gives certain benefits to flat owners, nothing prevents the petitioner society to bring to the notice of first respondent these aspects. Insofar as the impugned letter is concerned, it cannot be said that the same suffers from any illegality. As rightly pointed out by the learned Standing Counsel for first respondent, whoever applies for power connection has to produce ownership certificate, and in case of lease or licence NOC from the owner of the premises as per Condition No.3 of the Revised Terms and Conditions. Therefore, no relief can be granted to petitioner. It shall be open to petitioner society to approach the first respondent for appropriate redressal in the matter.

With the above observations, the Writ Petition is disposed of. No costs.

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(V.V.S.RAO, J)

14.7.2004

bnr

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Additional Assistant Engineer, District.II/City-I,

A.P.Tranmission Corporation Limited,

Mint Compound, Hyderabad.

2. 2 CCs to Ms.Vinobha Devi, SC for A.P.Transco.

3. 2 CDs